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SUBJECT: WORLD WATCHING DEBATES ON THE AFGHAN MEDIA LAW

REF: 06 KABUL 5700

SUMMARY

11. (U) The Media Law is slated to go for parliamentary debate on April 11 amid rumors over which of five drafts - ranging from reasonably moderate to very restrictive of media content and oversight - will actually be presented and voted on. When it happens, the final debate and vote will attract widespread national and international attention, as it comes in the midst of increasing reports of GOA interference, censorship and intimidation of the media (septel) and is feared by journalists as an attempt to institutionalize a green light for government restriction of the media. END SUMMARY.

PARLIAMENTARY VOTE: WHICH DRAFT AND WHEN?

12. (U) The original Media Law - considered a reasonably moderate document - was adopted by Presidential Decree in 2005 and thus is now subject to review by the Parliament. During this review process at least five different drafts of the Media Law have been circulated, the most conservative of which have included significant restrictions on media content (reftel). Afghan journalists, media lobbyists, and the international community actively engaged the GOA - specifically Minister of Information Khoram, Minister of State for Parliamentary Affairs Farouk Wardak, Speaker of the Lower House Qanooni and Haji Mohammad Mohaqqueq, Chair of the Parliamentary Commission on Cultural and Religious Affairs and Higher Education - to encourage language that protects journalists from government reprisal and creates an independent regulatory framework for the media.

13. (U) Afghan journalists say they thought they had reached agreements with the GOA for a compromise on the language, but report they understand the most recent draft of the law (circulated on April 9) does not meet these agreements. The latest draft is said to omit provisions to turn Radio

Television Afghanistan into a public service broadcaster - a point of concern to the EU, which had allocated significant aid money for this project. More troubling from the Embassy perspective is that the latest draft also consolidates all of the previously "independent" commissions designed to regulate public and private media and protect journalists from government reprisal, putting them under the ultimate authority of the Ministry of Information and Culture. The latest draft also gives the GOA broad room to restrict media coverage by creating vague categories of "prohibited broadcasts" that violate national interests, incite public discord, violate the tenets of Islam, or promote any religions other than Islam.

¶4. (U) The Media Law is slated to be discussed in Parliament on April 11, however there is no guarantee it will in fact be brought to a vote, as the proposed date has slipped countless times over the past two months, and there are ongoing negotiations on the text to be presented. What seems clear is that the most restrictive draft, or one that is just slightly softer, are being considered. In an April 8 meeting with the Embassy, Parliamentarian Salih Mohammad Registani predicted that one of the most conservative drafts would be presented and that very few MP's (10-12 MP's at most) would dare vote against the law, as a vote against the law is being couched as a vote against Islam.

GOA'S ARGUMENT? DEPENDS ON THE AUDIENCE

¶5. (U) The GOA is using a variety of arguments - some of which appeal to the Afghan public, others to the

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international community - to justify the need for wide oversight of the media. First is the "anti-insurgency argument", reflecting the GOA's need to "manage the message" in the midst of a propaganda war with a media-savvy insurgency. The GOA has already used this argument to restrict private media coverage of Taliban attacks, interviews with Taliban leadership, and government criticism (septel), arguing that such coverage makes the insurgency look more powerful than the central government.

¶6. (U) Second is the "we need to fight Iranian cultural domination" argument, whereby the GOA has highlighted Iran's attempts to dominate Afghan culture and turn the Afghan media against Western influences. The GOA recognizes that these first two arguments have traction with the international community, and Minister of Information and Culture Khoram has raised these arguments with the Embassy on several occasions.

¶7. (U) The final argument, tailored to Parliamentarians and the Afghan public, maintains that a free media is un-Islamic. Minister Khoram and conservative Parliamentarians, including Mohaqqueq point to broadcasts of Shakira and other "half-naked women" in Bollywood videos as evidence of this position. Khoram highlighted that the Taliban uses this argument to underscore its assertion that the government, in allowing such broadcasts, is itself un-Islamic.

COMMENT

¶8. (U) Post is sympathetic to the GOA's desire to limit the impact of a media-savvy insurgency as well as attempts by Iran and Russia to influence the Afghan media. We are urging the GOA to find the right balance between winning the propaganda war and fostering a free press. Indeed, the Charge has underlined to Minister Khoram that a press that is independent and not viewed as merely a mouthpiece of the government is the GOA's most important tool in maintaining its own credibility and the confidence of the Afghan public

amidst the current war.
NORLAND